

C H A P.  
VIII.  
Provision in  
case of will  
produced af-  
ter letters  
granted.

XVI. And be it enacted, That if any will shall be produced after letters of administration granted; and probate thereof desired and legally made; it shall and may be lawful for the orphans court to grant letters testamentary, or letters of administration with the will annexed, in the same manner as if letters had not been before granted; and such former letters of administration shall be thereby superseceded.

Executors  
&c. to have  
allowance for  
damage by in-  
vasion, &c.

XVII. And, whereas executors or administrators, and guardians of orphans, may be much injured, or totally ruined, by the enemy invading this state, or some of the counties thereof; Be it enacted, That executors, administrators and guardians, shall have proper allowance made them by the orphans court, for any damage the estates of minors, in their hands or possession, may receive by invasion of the enemy; and neither they nor their securities shall be liable to make good such damage, provided that such damage or injury shall not arise or happen by the negligence or wilful default of such executors, administrators or guardians.

Orphans  
courts to have  
the same pow-  
er as county  
courts, &c.

XVIII. And be it enacted, That the justices of the orphans courts shall not be obliged to transmit balances to the county courts, but shall retain and take security for the same, and shall have and exercise the same power of summoning juries of inquiry, and all other the power, authority and jurisdiction, with regard to executors, administrators, guardians and orphans, that the county courts by law heretofore did or of right ought to have used and exercised.

Register of P.  
George's  
county to  
have the care  
of the records  
of the prero-  
gative office,  
&c.

XIX. And be it enacted, That the register of wills for Prince-George's county shall for the present have the care and custody of the records of the prerogative office, and on application make searches and give out copies of said records; and that it shall and may be lawful for the governor, with the advice and consent of the council, to cause the said records to be removed to any other county, and when so removed, the register of such county where removed shall have the custody of said records, and on application make searches and give out copies thereof.

#### C H A P. IX.

An ACT to make the bills of credit issued by congress, and the bills of credit emitted by acts of assembly and resolves of the late conventions, a legal tender in all cases.

This act (according to a decision of the general court) made those bills only which had been emitted by congress before its passage, and the bills emitted theretofore by acts of assembly, or by resolves of the conventions, a legal tender for all debts then or thereafter to be due. A tender in such bills, with either the acceptance or refusal of the creditor, extinguished so much of the debt as was tendered. Sterling debts might be discharged at the rate of  $\frac{4}{6}$  for a dollar; and wherever bonds had been given for half-johannes, weighing 9dwts. or as much in the same bills as would purchase such half-joes, eight dollars in these bills were made equal in discharge of such bonds to one half-johannes, and a similar proportion was fixed between the said bills and all other gold coin.

If a creditor resided out of the state, a tender to his attorney in fact, or to his agent, or, if he had neither, to his attorney at law, having the care of the debt, was, in all respects, equal to a tender made to himself. And wherever there was a tender and refusal, the debtor was entitled to receive his mortgage, specialty or other writing, and, upon the creditor's refusing to deliver it, might recover damages in an action of trover, upon proving the demand to have been made in presence of two credible witnesses. And if the creditor, after tender, assigned such mortgage, specialty, or other writing, his assignee might recover from him double the sum therein mentioned. Any person refusing these bills for a commodity sold, or offered for sale, or offering a commodity for a less price in specie, or offering or demanding bills for specie at higher rates than herein mentioned, was to forfeit to the state the value of the commodity so sold or offered for sale, or a sum equal to the bills so offered or demanded.

An addition, however, of 25 per cent. was to be made to all sums of money due to orphans, or others claiming under appraisements of the estates of deceased persons, provided they were paid in these bills.

This memorable law was repealed by the act of October, 1780, ch. 5. To this law, and to similar acts in the other states, is by some men ascribed the preservation of our liberties, whilst others deny it the least merit, and, at the same time, impute to it the perversion of our morals, and every other political evil under which we have laboured since its passage.

#### C H A P. X.

An ACT for the erecting barracks.

At or near Frederick-town, sufficient for the accommodation of two battalions; at or near Annapolis, for one battalion; and at the Head of Elk, for two battalions. The whole to be of plain stone or brick work. The governor and council were authorised to purchase the land, and contract for the buildings, on the most frugal plan; and the governor was requested to solicit the aid of congress in prosecuting a work, which the legislature conceived would be extremely beneficial to the United States.

C H A P.